

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q117947

Hidechika OKADA, et al.

U.S. Patent Appln. No.: 10/520,016

Group Art Unit: 1648

Confirmation No.: 9451

Examiner: Nicole Erin KINSEY WHITE

Filed: October 20, 2005

For: HUMAN IgM ANTIBODY LYSING ACTIVATED LYMPHOCYTES UNDER
MEDIATION BY HOMOLOGOUS COMPLEMENT

REQUEST FOR CONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants respectfully request herewith that the Examiner consider the following two references that were cited in an English-language copy of an International Search Report (ISR) submitted with the Information Disclosure Statement of April 4, 2005.

1. OKADA et al., "Tosa Kogen GM2 ni Taisuru Hito-gata IgM Kotai no Ko-HIV Kassei", Nagoya Shiritsu Daigaku Igakukai Zasshi, 1999, Vol. 50, No. ½, pg. 9-13.
2. ASAII et al., "HIV-1 Kansen Saibo ni Hanno suru IgM Kotai no Hotai Kasseikano to Amino-san Hairetsu tono Kanrensei", Hotai Symp. Nihon Seitai Bogyo Gakkai Godo Gakujutsu Shukai Koenshu, 2002, Vol. 3, Nos. 3-9, pg. 35.

Applicants note that these references were not considered by the Examiner because the references were not in English. However, Applicants note that in accordance with 37 CFR §

1.98(a)(3)(i), MPEP § 609.04(a)(III) provides that, a concise explanation meeting the content requirements for an IDS “where the information listed is not in the English language, but was cited in a search report of other action by a foreign patent office in a counterpart foreign application, the requirement for a concise explanation of relevance can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign office.” In the present case, an English-language copy of an ISR (issued in corresponding International Application PCT/JP03/08306 and citing the aforementioned references), was concurrently submitted to the Patent Office on April 4, 2005 with an IDS for consideration. Accordingly, the English-language copy of the ISR satisfies the requirements of a concise explanation of the content of references 1 and 2, and references 1 and 2 above should be considered by the Office.

Telephone Call of December 28, 2010

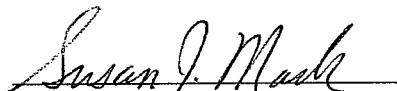
Applicants note that during a telephone conversation with the Examiner on December 28, 2010, the Examiner indicated that the aforementioned references will be considered to the extent of their content in the ISR, in an Office Communication to follow.

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Applicants respectfully request that the Examiner return a signed and initialed copy of the PTO Form SB/08 that accompanied the April 4, 2005 Information Disclosure Statement to indicate consideration of these references in an Office Communication to follow.

Respectfully submitted,



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23373
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